

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

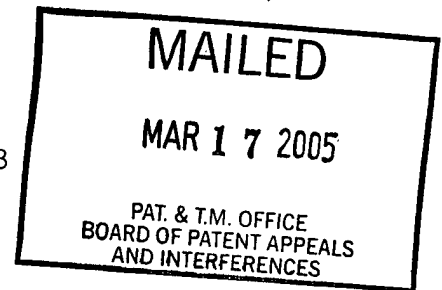
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL WAYNE BROWN, KELVIN RODERICK LAWRENCE,
and MICHAEL A. PAOLINI

Appeal No. 2004-1841
Application No. 09/583,943

ON BRIEF



Before THOMAS, HAIRSTON, and BARRETT, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1 through 9 and 11 through 66.

The disclosed invention relates to a method and system for monitoring a plurality of current health and environmental parameters for a user. The method and system establish a priority to a plurality of actions that the user can select from in response to the monitored health and environmental parameters,

and receive a plurality of tasks for scheduling by the user. In addition, the method and system determine a priority level at which designated allowances (e.g., time, financial and health) are available for each of the plurality of actions, and select suitable times for scheduling the plurality of tasks in view of the current health parameters and the designated allowances.

Claims 1 and 40 are illustrative of the claimed invention, and they read as follows:

1. A method for prioritizing actions in order to balance the comprehensive health of a user, said method comprising the steps of:

automatically monitoring current health parameters for a particular user at a personal health monitoring system, wherein said current health parameters includes a plurality of monitored physical parameters and a plurality of monitored environmental parameters;

receiving a plurality of actions for selection by said particular user at said personal health monitoring system;

prioritizing said plurality of actions according to said current health parameters and designated allowances for said particular user at said personal health monitoring system;

presenting the prioritized plurality of actions for selection by said particular user, such that said personal health monitoring system aids said particular user in selecting from among said plurality of actions in order to balance the comprehensive health of said particular user; and

determining a priority level at which sufficient allowances are available for each of said plurality of actions in view of said designated allowances, wherein said designated allowances includes at least one type of allowance from among time allowances, financial allowances, and health allowances.

40. A method for scheduling tasks in order to balance the comprehensive health of a user, said method comprising the steps of:

monitoring current health parameters for a particular user at a personal health monitoring system, wherein said current health parameters includes a plurality of monitored physical parameters and a plurality of monitored environmental parameters;

receiving a plurality of tasks for said particular user for scheduling at said personal health monitoring system; and

selecting suitable times for scheduling said plurality of tasks in view of said current health parameters and designated allowances⁽¹⁾ for said particular user at said personal health monitoring system, such that said personal health monitoring system aids said particular user in scheduling tasks in order to balance the comprehensive health of said particular user.

The references relied on by the examiner are:

Goldman et al. (Goldman)	5,542,420	Aug. 6, 1996
Raymond et al. (Raymond)	5,778,882	Jul. 14, 1998
Diaz et al. (Diaz)	5,890,128	Mar. 30, 1999
Trudeau	5,980,447	Nov. 9, 1999

¹It is noted that the actual "designated allowances" are not set forth in this claim.

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GOA-WORLD-WEEKEND POST NEWSLETTER-VOLUME XIII-25 November 1998,
(last visited Dec. 5, 2002) <http://www.goa-world.net/gulf_goans/nov31.htm>
(hereinafter referred to as Gulf Goans' Mailing List Newsletter).

Craig Lordan, Mail Filtering - Notes spam - Notes mail rules,
(last modified Nov. 1, 1999) <[http://www-10.lotus.com/ldd/today.nsf/62f62847467a8f78052568a80055b380/4541559cb15c46e285256815007b107d/\\$FILE/mailrule.pdf](http://www-10.lotus.com/ldd/today.nsf/62f62847467a8f78052568a80055b380/4541559cb15c46e285256815007b107d/$FILE/mailrule.pdf)>
(hereinafter referred to as Notes.Net Filtering Article).

Claims 1 through 4, 11, 12, 14 through 17, 23 through 25, 27 through 30, 36 through 38 and 40 through 66 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raymond in view of Trudeau.

Claims 5 through 7, 18 through 20 and 31 through 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raymond in view of Trudeau and Goldman.

Claims 8, 21 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raymond in view of Trudeau and Diaz.

Claims 9, 22 and 35 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raymond in view of Trudeau and the Gulf Goans' Mailing List Newsletter.

Claims 13, 26 and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raymond in view of Trudeau and the Notes.Net Filtering Article.

Reference is made to the briefs and the answer for the respective positions of the appellants and the examiner.

OPINION

We have carefully considered the entire record before us, and we will reverse the 35 U.S.C. § 103(a) rejections of claims 1 through 9 and 11 through 66.

We agree with the examiner's finding (answer, page 6) that Raymond teaches "automatically monitoring current health parameters for a particular user at a personal health monitoring system, wherein said current health parameters includes a plurality of monitored physical parameters and a plurality of monitored environmental parameters (Raymond; see at least Figures 17, 18, 19, 19A, column 1, lines 42 to column 2, line 60, column 5, lines 30-44, column 28, lines 37-49)." We additionally agree with the examiner's finding (answer, page 6) that Raymond fails to disclose the remainder of the limitations of the independent claims on appeal.

The examiner is of the opinion (answer, pages 6 and 7) that Trudeau discloses the noted remainder of the limitations of the independent claims on appeal. Based upon such alleged teachings, the examiner concludes (answer, pages 7 and 8) that it would have

been obvious to one of ordinary skill in the art to modify Raymond with the teachings of Trudeau.

Appellants argue (brief, page 3) that the applied references neither teach nor would have suggested to one of ordinary skill in the art *"prioritizing said plurality of actions according to said current health parameters and designated allowances for said particular user at said personal health monitoring system,"* and *"determining a priority level at which sufficient allowances are available for each of said plurality of actions in view of said designated allowances, wherein said designated allowances includes at least one type of allowance from among time allowances, financial allowances, and health allowances"* as in claim 1. Appellants additionally argue (brief, page 7) that the applied references fail to disclose the step of *"selecting suitable times for scheduling said plurality of tasks in view of said current health parameters and designated allowances for said particular user at said personal health monitoring system, such that said personal health monitoring system aids said particular user in scheduling tasks in order to balance the comprehensive health of said particular user"* as in claim 40.

We agree with appellants' arguments. Although the reference to Trudeau is primarily concerned with monitoring the psychological health and well-being of an individual, Trudeau does mention in passing that the physical health of the individual should be considered during the formation of a personality profile of the individual (column 8, lines 2 through 29). In the system disclosed by Trudeau, user tasks are presented to the individual user of the system, but the tasks are not in any priority order in the menu (column 9, lines 6 through 16). In the so-called crisis mode, Trudeau sets forth alternative treatments that can be chosen by the individual user, but does not establish any priority to any of these alternative treatments (column 9, lines 16 through 42). A plurality of resources and self-tests are made available to the individual user, but no priority is attached to any of the resources and self-tests (column 10, lines 13 through 35). Even if some kind of priority of treatment could be inferred from such teachings in Trudeau, the examiner has not demonstrated in the record that Trudeau is "determining a priority level at which sufficient allowances are available for each of said plurality of actions in view of said designated allowances" or that Trudeau is "selecting

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suitable times for scheduling said plurality of tasks in view of said current health parameters and designated allowances for said particular user." Thus, the obviousness rejection of claims 1 through 4, 11, 12, 14 through 17, 23 through 25, 27 through 30, 36 through 38 and 40 through 66 based upon the combined teachings of Raymond and Trudeau is reversed for lack of a prima facie case.

The obviousness rejections of claims 5 through 9, 13, 18 through 22, 26, 31 through 35 and 39 are reversed because the teachings of the additionally applied references fail to cure the noted shortcomings in the teachings of Raymond and Trudeau.

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DECISION

The decision of the examiner rejecting claims 1 through 9 and 11 through 66 under 35 U.S.C. § 103(a) is reversed.

REVERSED

JAMES D. THOMAS
Administrative Patent Judge

KENNETH W. HAIRSTON
Administrative Patent Judge

LEE E. BARRETT
Administrative Patent Judge

BOARD OF PATENT
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